

AFFIDAVIT OF SERVICE UPON A CORPORATION

N  
INDEX # 08CIV 6563  
Purchased 07/24/08

U S District COURT OF THE STATE OF NEW YORK  
COUNTY OF Southern

GWERTZMAN, ET AL  
80 Broad Street 16th  
NEW YORK  
NY 10004

Lexington Insurance Company As Subrogee Of Bp/Cg  
Center I Llc Etc

- against -

Lochinvar Corporation South Erie Production Company  
Dba Sepco-Erie And S Digiacomio & Son Inc

(212) 968-1001

Atty File # X25-4467-Y Record # 124723 File # 10

STATE OF NEW YORK: COUNTY OF NASSAU: ss

Harry Torres-Lic#0915257 being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York:

That on 07/30/08 at 12:56pm at 386 Park Avenue S Ste 1500 New York Ny deponent served the within Summons & Complaint In A Civil Action & Rule 7.1 Disc Stmt by personally delivering to and leaving with Charlene Spence for S Digiacomio & Son Inc a true copy thereof, and that deponent knew the person so served to be the Receptionist/Mgt.Agt. and stated (s)he was authorized to accept legal papers for the corporation.

A description of the person served is as follows:

Approx Age: 40 Years Approx Weight: 120 Lbs. Approx Height: 5'2"  
Sex: Female Color of Skin: Black Color of Hair: Black  
Other:

Sworn to before me this 07/31/08  
Jeffrey Wittenberg #41-4906457  
Notary Public, State of New York  
Nassau County, Commission Expires 08/22/10

Harry Torres-Lic#0915257

Supreme Judicial Services, Inc.  
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